

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JAMES A. THOMAS,)	
Plaintiff,)	
)	
vs.)	Civil Action No. 07-1328
)	
COUNTY OF ALLEGHENY,)	Judge Gary L. Lancaster/
PENNSYLVANIA; ALLEGHENY)	Magistrate Judge Amy Reynolds Hay
CORRECTIONAL HEALTH SERVICES,)	
INC.; RAMON RUSTIN; CALVIN)	
LIGHTFOOT; FRED ROSEMEYER;)	
BRUCE DIXON; DAN ONORATO;)	
DANA PHILLIPS,)	
Defendants.)	

ORDER

AND NOW, this 3RD day of DECEMBER, 2008, after the Plaintiff,

James A. Thomas, filed an action in the above-captioned case, and after Defendants filed a Motion to Dismiss, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the plaintiff until November 20, 2008 to file written objections thereto, and no objections having been filed to the report and recommendation, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that defendants' motion to dismiss [Dkt. 13] is denied.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if the parties desire to appeal from this Order they must do so within thirty (30) days by filing a notice of appeal as provided in Rule 3, Fed.R.App.P.



GARY L. LANCASTER
United States District Judge

cc: Honorable Amy Reynolds Hay
United States Magistrate Judge

James A. Thomas
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All Counsel of Record by NEF